

MARCH 28, 2008

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

RECEIVED

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISIONMAR 13 2008  
Mar 13, 2008  
MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURTLARRY DRUZA

(Name of the plaintiff or plaintiffs)

v.

Continental Airport Express

(Name of the defendant or defendants)

CIVIL ACTION

08CV1518

JUDGE LEFKOW

MAGISTRATE JUDGE KEYS

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.
2. The plaintiff is LARRY DRUZA of the  
county of COOK in the state of ILLINOIS.
3. The defendant is Continental Airport Express, whose  
street address is 1200 W. 35th Street,  
(city) Chicago (county) COOK (state) ILLINOIS (ZIP) 60609  
(Defendant's telephone number) (773)-247-1200
4. The plaintiff sought employment or was employed by the defendant at (street address)  
1200 W. 35th St (city) Chicago  
(county) COOK (state) ILLINOIS (ZIP code) 60609
5. The plaintiff [check one box]
  - (a) ☐ was denied employment by the defendant.
  - (b) ☐ was hired and is still employed by the defendant.
  - (c) ☒ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about, (month) 02, (day) 07, (year) 2006.

7.1 (Choose paragraph 7.1 or 7.2, do not complete both.)

(a) The defendant is not a federal governmental agency, and the plaintiff [check one box] ☒ has ☐ has filed a charge or charges against the defendant asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

(i) ☐ the United States Equal Employment Opportunity Commission, on or about (month) 09 (day) 06 (year) 2006.

(ii) ☐ the Illinois Department of Human Rights, on or about (month) 06 (day) 12 (year) 2006.

(b) If charges were filed with an agency indicated above, a copy of the charge is

attached. ☒ YES. ☐ NO, but plaintiff will file a copy of the charge within 14 days.

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

(a) the plaintiff previously filed a Complaint of Employment Discrimination with the defendant asserting the acts of discrimination indicated in this court complaint.

☐ Yes (month) \_\_\_\_\_ (day) \_\_\_\_\_ (year) \_\_\_\_\_

☒ No, did not file Complaint of Employment Discrimination

2. The plaintiff received a Final Agency Decision on (month) 2 (day) 29 (year) 2008.

c. Attached is a copy of the

a. Complaint of Employment Discrimination,

☒ YES ☐ NO, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☒ YES ☐ NO, but a copy will be filed within 14 days.

8. (Complete paragraph 8 only if defendant is not a federal governmental agency.)

(a) ☐ the United States Equal Employment Opportunity Commission has not issued a *Notice of Right to Sue*.

(b) ☒ the United States Equal Employment Opportunity Commission has issued a *Notice of Right to Sue*, which was received by the plaintiff on (month) 12 (day) 17 (year) 2007 a copy of which *Notice* is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [check only those that apply]:

(a) ☐ Age (Age Discrimination Employment Act).

(b) ☐ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).

(c) ☐ Disability (Americans with Disabilities Act or Rehabilitation Act)

(d) ☒ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).

(e) ☐ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).

(f) ☐ Religion (Title VII of the Civil Rights Act of 1964)

(g) ☐ Sex (Title VII of the Civil Rights Act of 1964)

10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983). ✓

11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791. ✕

12. The defendant [check only those that apply]

(a) ☐ failed to hire the plaintiff.

(b) ☒ terminated the plaintiff's employment.

(c) ☐ failed to promote the plaintiff.

- (d) ☐ failed to reasonably accommodate the plaintiff's religion.  
 (e) ☐ failed to reasonably accommodate the plaintiff's disabilities.  
 (f) ☒ failed to stop harassment;  
 (g) ☒ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;

(h) ☐ other (specify): Plaintiff was terminated without just cause and warning by manager after anon Supervisor threatened to call police unreasonably. Also some employees named "Brad" abused plaintiff verbally in the presence of customers on Jan 8<sup>th</sup> 2006 and Oct 15<sup>th</sup> 2005.

13. The facts supporting the plaintiff's claim of discrimination are as follows:

Plaintiff was discriminated against due to color and national origin by not getting equal no. of trips as those who were white and arabic speaking as the manager Suetiman Davadi. Also plaintiff experienced harassments of abusive nature if customers were picked up late.  
Also, plaintiff was mocked upon by waiting for non existing trip at D-Lot or sent on fake trips without customers.

14. **[AGE DISCRIMINATION ONLY]** Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.
15. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO
16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff [check only those that apply]

- (a) ☐ Direct the defendant to hire the plaintiff.  
 (b) ☒ Direct the defendant to re-employ the plaintiff.  
 (c) ☐ Direct the defendant to promote the plaintiff.  
 (d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.  
 (e) ☐ Direct the defendant to reasonably accommodate the plaintiff's disabilities.

(f) ☐ Direct the defendant to (specify): to pay lost wages  
and authorize payment of workers  
compensation denied by defendants  
insurance company as retaliation  
against plaintiff since Jan 20<sup>th</sup> 2006.

(g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.

(h) ☒ Grant such other relief as the Court may find appropriate.

(Plaintiff's signature)

L. Druta

(Plaintiff's name)

LARRY DRUTA

(Plaintiff's street address)

7337 S. Shore Dr #412

(City) Chicago (State) IL (ZIP) 60649

(Plaintiff's telephone number) (773) - 326 7850

Date: 3-13-08

IN THE US DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

LARRY ORUTH

Plaintiff

VS

Re:

CONTINENTAL AIRPORT  
EXPRESS

Defendant

COMPLAINT AT LAW - US DISTRICT  
COURT THE RIGHT TO SUE CHARGE  
BY EEOC Dec 17<sup>th</sup> 2007.

END

IN THE US DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS

INTRODUCTION

Plaintiff is President of Cook County and resides in the City of Chicago.

Plaintiff was hired by the defendant

Continental Airport Express, a corporation doing business in Cook County, Illinois on a contract in August 25<sup>th</sup> 2005.

Plaintiff worked as a shuttle driver and picked up passengers from

Chicago airports,

to City - Burbank Hotels and

US Navy base at Waukegan.

Plaintiff worked for the

defendants all shifts and 7 days a week

until wrongful termination by defendant on 7-9-06.

OF NORTHERN DISTRICT OF ILLINOIS

CAUSE OF ACTION: DISCRIMINATION

ON 42 USC TITLE VII OF HUMAN RIGHTS  
ACT 1964 AND 1981

g. IL HMR ACT 735 5(1-101)

h) EEOC { 2000 e-2(a) at workplace  
is subject to constitutional tort  
action that implies negligence,  
recklessness and intentional conduct.

1) Monroe vs Pape 365 US 167, 5 L Ed  
2d 492, 81 S Ct 473 (1961)

2) Walker vs Metropolitan Interprise  
Inc 519, US 202, 130, L Ed 644  
117 S Ct 660 (1997) held that  
employer has more than 15-20

Can be liable in lawsuit both  
state and federal courts.



US DISTRICT COURT  
OF NORTHERN DISTRICT OF ILLINOIS

Negligence has been held the set  
as requirement of state of mind.

McDouglas Corp vs Green is  
411 US 792, 36 LER 2d 608, 93 S.Ct 1973.  
a requirement in plaintiff's assertion

of discriminatory practice by the  
defendant. 42 USC § 2000e(k).

Section 204 (a) of title VII allows  
The plaintiff to seek relief on  
merits of prima facie violation  
based on McDouglas Corp vs Green

Conclusion,

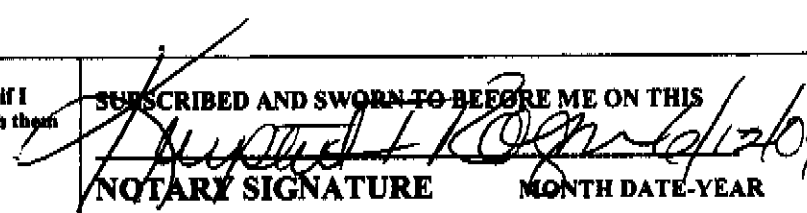
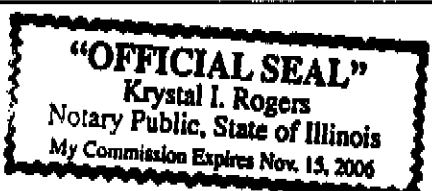

Plaintiff has suffered irreparable  
harm and injury after being wrongfully  
been terminated and denied state  
benefits for 2 1/4 years without any income.  
Plaintiff has been denied state benefits by defendants

IN THE US DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS

Continental Airport Express despite  
willingness by the plaintiff to resolve disputed  
issue e.g. return to employment, payment of state benefits  
and lost wages compensation. Exhibits will be  
amended later. Respectively,

Larry Oruta

<b>CHARGE OF DISCRIMINATION</b>		<b>AGENCY</b>	<b>CHARGE NUMBER</b>
The Privacy Act of 1974 affects this form: See Privacy act statement before completing this form.		<input checked="" type="checkbox"/> <b>IDHR</b>	<b>2006CF3324</b>
#06W0530.13		<input type="checkbox"/> <b>EEOC</b>	
<b>Illinois Department of Human Rights and EEOC</b>			
NAME (indicate Mr. Ms. Mrs.) <b>Larry Oruta</b>		HOME TELEPHONE (include area code) <b>(773) 706-2916</b>	
STREET ADDRESS <b>3105 N. Ashland Avenue, Apt. #262 Chicago, IL 60657</b>		CITY, STATE AND ZIP CODE <b>DATE OF BIRTH</b>	
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (IF MORE THAN ONE LIST BELOW)			
NAME <b>Continental Air Transport Company Incorporated</b>		NUMBER OF EMPLOYEES, MEMBERS 15+	TELEPHONE (include area code) <b>(773) 843-2310</b>
STREET ADDRESS <b>1200 W. 35<sup>th</sup> Street</b>		CITY, STATE AND ZIP CODE <b>Chicago, IL 60609</b>	COUNTY <b>Cook</b>
CAUSE OF DISCRIMINATION BASED ON:  <b>NATIONAL ORIGIN RACE</b>		DATE OF DISCRIMINATION EARLIEST (ADEA/EPA) LATEST (ALL) <b>01/09/06</b> <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (if additional space is needed attach extra sheets)			
<p><b>I. A. ISSUE/BASIS</b>  <b>UNEQUAL TERMS AND CONDITIONS OF EMPLOYMENT – JANUARY 9, 2006, DUE TO MY NATIONAL ORIGIN, KENYA</b></p> <p><b>B. PRIMA FACIE ALLEGATIONS</b></p> <ol style="list-style-type: none"> <li>1. My national origin is Kenya.</li> <li>2. Respondent was aware of my national origin.</li> <li>3. My work performance as shuttle bus operator met Respondent's expectations. I was hired in August, 2005.</li> <li>4. On January 9, 2006, I was subjected to unequal terms and conditions of employment by Suleiman Maradi (Palestine) Airport Manager, in that my commission rate was reduced from seventy percent to forty percent .</li> <li>5. Similarly situated non-Kenya shuttle bus operators were not subjected to the same terms and conditions of employment.</li> </ol> <p>(Continued)</p>			
I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		SUBSCRIBED AND SWORN TO BEFORE ME ON THIS  NOTARY SIGNATURE      MONTH DATE-YEAR	
 <b>NOTARY SEAL</b>		X  <b>6/12/06</b> SIGNATURE OF COMPLAINANT      DATE  I declare under penalty that the foregoing is true and correct I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief	

**Complainant: Larry Orua**  
**Charge Number: 2006CF3324**  
**Page 2**

**II. A. ISSUE/BASIS**

**UNEQUAL TERMS AND CONDITIONS OF EMPLOYMENT  
JANUARY 9, 2006, DUE TO MY RACE, BLACK**

**B. PRIMA FACIE ALLEGATIONS**

- 1. My race is black.**
- 2. My work performance as shuttle bus operator met Respondent's expectations. I was hired in August, 2005.**
- 3. On January 9, 2006, I was subjected to unequal terms and conditions of employment by Suleiman Maradi (non-black) Airport Manager, in that my commission rate was reduced from seventy percent to forty percent .**
- 4. Similarly situated non-black shuttle bus operators were not subjected to The same terms and conditions of employment.**

**III. A. ISSUE/BASIS**

**DISCHARGE – JANUARY 9, 2006, DUE TO MY NATIONAL ORIGIN,  
KENYA**

**B. PRIMA FACIE ALLEGATIONS**

- 1. My national origin is Kenya.**
- 2. Respondent was aware of my national origin.**
- 3. My work performance as shuttle bus operator met Respondent's expectations. I was hired in August 2005.**
- 4. On January 9, 2006, I was discharged by Suleiman Maradi (Palestine), Airport Manager. No reason was cited for the discharge.**
- 5. My work performance was as good or better than similarly situated non-Kenya shuttle bus operators who were retained.**

**IV. A. ISSUE/BASIS**

**DISCHARGE – JANUARY 9, 2006, DUE TO MY RECA, BLACK**

**B. PRIMA FACIE ALLEGATION**

- 1. My race is black.**
- 2. My work performance as shuttle bus operator met Respondent's expectations. I was hired in August 2005.**

**(Continued)**

**Complainant: Larry Oruta**  
**Charge Number: 2006CF3324**  
**Page 3.**

- 3. On January 9, 2006, I was discharged by Suleiman Maradi (non-black), Airport Manager. No reason was cited for the discharge.**
- 4. My work performance was as good or better than similarly situated non-black shuttle bus operators who were retained**

**HMS/JJT/RCG**

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Larry Oruta**  
**3105 N. Ashland Ave., #262**  
**Chicago, IL 60657**

From: **Equal Employment Opportunity Commission**  
**Chicago District Office**  
**500 West Madison Street**  
**Suite 2800**  
**Chicago, Illinois 60661-2511**

☐ On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR § 1601.7(a))**

EEOC Charge No.

EEOC Representative

Telephone No.

**21B-2006-01966****Nola Smith, State & Local Coordinator****(312) 886-5973**

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- ☐ Your allegations did not involve a disability as defined by the Americans with Disabilities Act.
- ☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- ☐ Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.
- ☐ Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
- ☐ While reasonable efforts were made to locate you, we were not able to do so.
- ☐ You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.
- ☐ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☒ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- ☐ Other (briefly state)

## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this Notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

On behalf of the Commission

DEC 17 2007

*John P. Rowe*  
**John P. Rowe, District Director**

Enclosure(s)

(Date Mailed)

cc: **Continental Air Transport Company, Incorporated**